

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Michael Carlton Lowe, Sr.,

Civil No. 07-4886 (DWF /SRN)

Petitioner,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

State of Minnesota,

Respondent.

Michael Carlton Lowe, Sr., *Pro Se*, Petitioner.

Peter R. Marker, Assistant Attorney General, Minnesota Attorney's General's Office,
counsel for Respondent.

This matter is before the Court upon Petitioner Michael Carlton Lowe, Sr.'s ("Petitioner") objections to United States Magistrate Judge Susan Richard Nelson's Report and Recommendation dated February 5, 2008, recommending that:

(1) Petitioner's amended petition for a writ of habeas corpus be denied; (2) Petitioner's application for leave to proceed *in forma pauperis* be denied; and (3) this action be summarily dismissed without prejudice.

The Court has conducted a *de novo* review of the record, including a careful review of the objections and submissions of Petitioner, including his self-styled pleading entitled "Memorandum in Support of Writ Pursuant to Factual Evidence," pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-

entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Petitioner's objections.

Based upon the *de novo* review of the record and all of the submissions of the Petitioner, including Petitioner's objections to the Report and Recommendation, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Petitioner Michael Carlton Lowe, Sr.'s objections (Doc. No. 8) to United States Magistrate Judge Susan Richard Nelson's Report and Recommendation dated February 5, 2008, are **DENIED**.

2. United States Magistrate Judge Susan Richard Nelson's Report and Recommendation dated February 5, 2008 (Doc. No. 7), is **ADOPTED**.

3. Petitioner's amended petition for a writ of habeas corpus (Doc. No. 3), is **DENIED**.

4. Petitioner's application for leave to proceed *in forma pauperis* (Doc. No. 4) is **DENIED**.

5. This action is summarily **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 19, 2008

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court